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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT LAUCELLA,

Petitioner,

No. CIV S-08-109 LKK CHS P

vs.

D.K. SISTO,

Respondents.

ORDER

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Petitioner has requested the appointment of counsel. There currently exists no absolute right to appointment of counsel in habeas corpus proceedings. *See Nevius v. Sumner*, 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at any stage of the case “if the interests of justice so require.” *See* Rule 8(c), Fed. R. Governing § 2254 Cases. In this case, findings and recommendations have been entered, recommending that relief be granted, and the case is awaiting review by the district judge. It does not appear that the interests of justice would be served by the appointment of counsel at this time. Accordingly, petitioner’s January 14, 2010 request for appointment of counsel is denied.

IT IS SO ORDERED

DATED: January 28, 2010

*Charlene H. Sorrentino*

CHARLENE H. SORRENTINO  
UNITED STATES MAGISTRATE JUDGE